



PINS NOTE 22/2015r4

To: All Inspectors (England)

Relevancy: Planning and enforcement appeals; Secretary of State casework; Local Plan examinations

Date of Issue: 18 May 2015

Currency: review on 18 November 2015

Last updated: 15 November 2015 – paragraph 7 amended following the Court of Appeal's Sealed Order dismissing the appeal

HOUSING SUPPLY POLICIES: THE IMPLICATIONS OF *WENMAN v SSCLG* AND SUBSEQUENT TECHNICAL ADJUSTMENT OF THE NPPF

Action

1. Inspectors will wish to be aware of a High Court judgment of 21 April 2015, *Wenman v SSCLG*¹, and the subsequent Written Ministerial Statement of 22 July 2015.
2. The judge held that the words, "housing applications" in [paragraph 49](#) of the National Planning Policy Framework (NPPF) should not be interpreted narrowly so as to be restricted to applications for planning permission to construct 'bricks and mortar' houses.
3. It was held that section 6 of the NPPF, 'Delivering a wide choice of high quality homes', is intended to cover homes and dwellings in a broad sense, and it would be inconsistent with this if an application for planning permission for a mobile home was excluded from the scope of paragraph 49.
4. The implication of this is that applicants for planning permission for mobile homes or caravans, whether gypsies, travellers, or others, may wish to rely on a failure of a five year housing supply, in support

¹ *Wenman v SSCLG* [2015] EWHC 925 (Admin)

of their application for planning permission – and paragraph 49 enabled them to do so.

5. However, in a [Written Ministerial Statement of 22 July 2015](#)², DCLG announced From that date, those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.
6. [Planning Policy for Traveller Sites](#) (31 August 2015) sets out how 'travellers' (as defined in Annex 1 of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.
7. Further to permission being granted to appeal the *Wenman* judgment, both 'parties' have signed **an Order** requesting a dismissal of the appeal. The Court's formal decision **in a Sealed Order dismissing the appeal on 13 November 2015 is available here**. As the High Court judgment stands and regard must be had to the Written Ministerial Statement, **where these are a consideration in an appeal** Inspectors should note the following:
 - **Where an event is coming up** – draw the appeal parties attention to the **Sealed Order dismissing the appeal**; or,
 - **Where the event has closed/site visit has taken place** – **allow the parties a suitable opportunity to provide comment on the bearing the Sealed Order dismissing the appeal may have, applying the usual natural justice approach to seeking such further comments.**
8. Please contact XXXX if you have any queries on this Note, XXXX for queries regarding planning appeals casework, XXXX for queries regarding enforcement casework and XXXX for queries regarding development plans. Non-Salaried Inspectors may wish to approach XXXX with any queries in the first instance, on which XXXX will liaise with XXXX.

² [National Planning Policy Framework: technical adjustment: Written statement - HLWS167, made by Baroness Williams of Trafford](#)